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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,033	09/30/2003	Sachin G. Deshpande	SLA1391	5429
50735 7590 06/04/2007 MADSON & AUSTIN 15 WEST SOUTH TEMPLE SUITE 900 SALT LAKE CITY, UT 84101			EXAMINER CLOUD, JOIYA M	
			ART UNIT 2144	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/675,033	Applicant(s) DESHPANDE, SACHIN G.	
	Examiner Joiya M. Cloud	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/08/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### ***DETAILED ACTION***

1. This action is responsive to the application filed on September 30, 2003. Claims 1-27 represent System and methods for identifying original streams of media content.

2.

The information disclosure statement filed 01/08/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Objections in the Specification***

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### ***Arrangement of the Specification***

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

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- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Examiner suggests providing section (g) Brief Summary of the Invention as outlined above:

4.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 19-27** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims may be directed towards software only, which is functional descriptive material, which per se is not statutory.

**Claims 19-27** are directed to software that is not implemented on a computer-readable medium.

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As per exemplary claim 19, claim 19 is directed towards a set of executable instructions for implementing a method in a server system that is not embodied in a computer-readable medium, which per se is nonstatutory.

Claims depending from claim 19 are rejected for the same.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-6 and 8-27, are rejected under 35 U.S.C. 102(b) as being anticipated by O'Rourke et al. (US Patent No. 7,046,478 B2, hereinafter O).**

**As per claim 1, O teaches in a server system (Figure 1, item 102), a method comprising identifying at least one media content identifier in a media content directory, wherein the media content identifier identifies media content (Abstract and col. 3, lines 60-65, where the content identifiers identifying the media content include URL's which identify e.g., (.asf) file), and wherein a plurality of stream access identifiers (col. 4, lines 44-67, where the placeholders are associated with the URL's) are associated with the media content identifier (col. 4, lines 44-67, where the placeholders are associated with the URL's); identifying at least one stream access identifier of the plurality of stream access identifiers that includes access information for**

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accessing an original stream of media data from a media file comprising the media content (Abstract, col. 5, lines 6-13, col. 6, lines 36-59 and col. 6, lines 4-18, where the placeholders in a wrapper playlist correspond to the original playlist); and providing identifier information about the at least one stream access identifier to a client in response to a client request (Abstract, where the server provides the content items to the client).

As per claim 2, O teaches a method wherein the original stream of the media data from the media file is provided to the client without protocol translation or format conversion being performed by the server system (col. 5, lines 6-13 and col. 6, lines 1-15, where no modification is performed by the server).

As per claim 3, O teaches a method wherein the access information comprises a uniform resource identifier for the media file (Figures 3-5 and col. 3, lines 60-67).

As per claim 4, O teaches a method wherein identifying the at least one stream access identifier comprises receiving user input (col. 9, lines 15-30).

As per claim 5, O teaches a method wherein identifying the at least one stream access identifier comprises matching a characteristic of the at least one stream access identifier to a similar characteristic of the media file (col. 6, lines 36-47 and col. 5, lines 35-60 where the placeholders are matched to the client requested URL's which are replaced in a sequence).

As per claim 6, O teaches a method wherein identifying the at least one stream access identifier comprises applying a rule to the plurality of stream access identifiers (col. 4, lines 17-25 and col. 5, lines 35-64).

**As per claim 8**, O teaches a method wherein the media content directory comprises an attribute that specifies whether a particular stream access identifier corresponds to the original stream (col. 5, lines 6-13, col. 6, lines 4-18, and col. 6, lines 48-60, playlist attributes such as a URL within a wrapper).

**As per claim 9**, O teaches a method wherein the at least one stream access identifier comprises the attribute (col. 6, lines 48-60, where the URL comprises the wrapper document).

**As per claims 10-18**, claims 10-18 are substantially the same as claims 1-9, but in system rather than method form.

**As per claims 19-27**, claims 19-27 are substantially the same as claims 1-9 and therefore are rejected using the same rationale.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over O in view of Manni et al. (U.S. Publication No. 2002/0027569 A1, hereinafter Manni).

As per claim 7, O discloses the invention substantially as claimed. However, O does not explicitly teach a method wherein the media content directory is maintained by a Universal Plug and Play content directory service implementation.

Manni teaches a method wherein the media content directory is maintained by a Universal Plug and Play content directory service implementation (**Abstract**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate O's teachings to the teachings of Manni for the purpose of providing "easy-to-use, flexible, standard-based connectivity...to networks." Furthermore, Universal Plug and Play enables "seamless proximity networking in addition to control and data transfer among networked devices in the home." (**paragraph [0003]**).



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

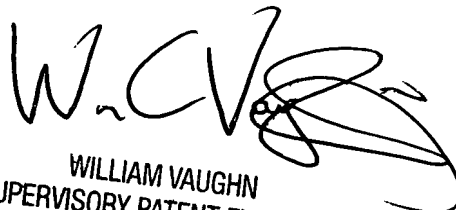
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***JMC***

**William J. Vaughn**

**Supervisory Patent Examiner**

**May 29, 2007**

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
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